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SUBJECT: DURING HANOI VISIT, UNHCR COMMENTS ON 42 VIETNAMESE H'MONG
DETAINED IN BANGKOK

Summary

1. (SBU) According to a UNHCR official in Hanoi, Thai authorities have reportedly threatened to deport 42 Vietnamese ethnic H'mong recently arrested in Thailand. UNHCR is negotiating a solution with the Vietnamese and Thai MFAs calling for third-party resettlement. All parties appear to accept this solution and desire to maintain a "low profile" on this case. UNHCR says the group members qualify for refugee status and sees the United States and New Zealand as likely destination countries. UNHCR plans to submit these cases to both governments shortly for review. End Summary.

Vietnamese H'mong among Laotians Arrested in Bangkok

2. (SBU) On the margins of a briefing on UNHCR activities in Vietnam (septel) on December 15, UNHCR Bangkok Senior Policy Officer Giuseppe de Vicentis explained his concern about the situation of 42 Vietnamese ethnic H'mong detained in Bangkok. On November 26, Thai authorities raided a H'mong shelter and arrested 194 individuals with the intention to deport them to Laos. 193 currently remain in detention in Thailand; one case was processed for resettlement. Most of these H'mong had already been screened by UNHCR and some had fully processed Refugee Status Determinations (RSDs). De Vincentis told us that Thai authorities had presumed that all the H'mong in the shelter were Laotian, but upon examination, they realized that 42 were actually Vietnamese H'mong, and only 152 individuals originated in Laos. UNHCR has confirmed that the Vietnamese H'mong are from the northern Vietnam-China border provinces of Lao Cai and Ha Giang. These individuals qualify as refugees on the grounds of "religious and ethnic discrimination," and were awaiting their final UNHCR status determinations, De Vincentis said.

3. (SBU) De Vincentis explained that Thai authorities have divided the group and taken the Lao H'mong to a detention facility at the Thai-Lao border. The 42 Vietnamese H'mong, comprising only nine families, remain in Bangkok along with 15 other Vietnamese H'mong who were not arrested. Thai authorities have since contacted the Vietnamese Ambassador in Bangkok and informed him of their intention to deport the group back to Vietnam. De Vincentis stated that UNHCR is trying to resolve this issue quickly and plans to lodge a formal protest if the Government of Thailand appears to be proceeding with the deportation.

GVN Supports a Third-Party Resettlement Solution

4. (SBU) De Vincentis told us that he met with the Government of Vietnam's (GVN) MFA Consular Department Director General Bui Dinh Dzinh in Hanoi on December 15 in order to "raise the profile of this case" and come up with a solution agreeable to Hanoi, Bangkok and

the UNHCR. DzinH reportedly told De Vincentis that the GVN would prefer to avoid deportation of the Vietnamese H'mong. However, the GVN would "welcome" the 57 Vietnamese H'mong individuals if they wish to return voluntarily. De Vincentis added that the GVN prefers a third-party resettlement solution. UNHCR also wants to keep this case "low profile" and not "politicize" the issue, while resolving the humanitarian aspects of the case, De Vincentis added.

A Negotiated Solution?

15. (SBU) De Vincentis told us that the Thai government is likely amenable to a negotiated third-country resettlement solution for the 57 Vietnamese H'mong. While Thailand is not a signatory to the 1951 UN Convention on Refugees, De Vincentis said the Thai government typically does not forcibly deport refugees, despite its threats to do so in this case. Concerning potential resettlement, UNHCR judges that there are no grounds for a problem with "material support for terrorism" regulations for processing these cases and plans to submit them to U.S. Government refugee authorities in Bangkok and to the New Zealand Government (which has informally committed to take some of the refugees).

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